

IC 12-27-9

Chapter 9. Mental Health Ombudsman Program

IC 12-27-9-1

Repealed

(Repealed by P.L.100-1998, SEC.1.)

IC 12-27-9-2

Confidentiality of information

Sec. 2. Except as provided under section 6 of this chapter, all information and records of the ombudsman under this chapter are confidential and may not become public records or be subject to a subpoena or discovery proceedings.

As added by P.L.40-1994, SEC.62.

IC 12-27-9-3

Contract with nonprofit corporation for operation of program

Sec. 3. Within the limits of appropriated funds, the division of mental health and addiction shall contract in writing with a nonprofit corporation for the operation of the mental health ombudsman program. The nonprofit corporation must:

- (1) be qualified to receive tax deductible contributions under Section 170 of the Internal Revenue Code;
- (2) have offices statewide; and
- (3) have experience in mental health advocacy.

As added by P.L.40-1994, SEC.62. Amended by P.L.215-2001, SEC.75.

IC 12-27-9-4

Duties of program; records and reports

Sec. 4. (a) The mental health ombudsman program operated under this chapter must do the following:

- (1) Have at least one (1) full-time person to operate the program.
- (2) Recruit and train volunteers to help carry out the duties of the program under this chapter.
- (3) Mediate or advocate on behalf of mental health patients.
- (4) At the request of a mental health patient, or upon receiving a complaint or other information affording reasonable grounds to believe that the rights of a mental health patient who is not capable of requesting assistance have been adversely affected, gather information about, analyze, and review on behalf of the mental health patient, the actions of an agency, a facility, or a program.
- (5) At reasonable times in the course of conducting a review, enter and view premises within the control of an agency, a facility, or a program.

(b) The mental health ombudsman shall maintain records of all activities on behalf of consumers and report all findings to the division on a quarterly basis.

As added by P.L.40-1994, SEC.62.

IC 12-27-9-5

Complaints; recommendations

Sec. 5. (a) The ombudsman may receive a complaint from the division of mental health and addiction's toll free number (IC 12-21-5-1.5) or any source concerning an action by an agency, a facility, or a program. After completing a review, the ombudsman shall inform the complainant and the agency, facility, or program that the review has been completed.

(b) If, after:

(1) reviewing a complaint;

(2) considering the response of an agency, a facility, or a program;
and

(3) considering any other pertinent material;

the mental health ombudsman determines that the complaint has merit, the ombudsman may make recommendations to that agency, facility, or program.

(c) At the ombudsman's request, the agency, facility, or program shall, within a reasonable time, inform the ombudsman about the action taken on the ombudsman's recommendation under subsection (b) or the reasons for not complying with the ombudsman's recommendation.

As added by P.L.40-1994, SEC.62. Amended by P.L.215-2001, SEC.76.

IC 12-27-9-6

Referral of matters; statistics

Sec. 6. (a) If the ombudsman believes that the agency, facility, or program has failed to comply with the ombudsman's recommendations, the ombudsman shall refer the matter to the division of mental health and addiction or the Indiana protection and advocacy services commission as appropriate.

(b) The ombudsman shall compile annual statistics on each agency, facility, or program on which it reviews a complaint or conducts an investigation and determines that the complaint has merit or the investigation reveals a problem. The statistics must specify the types of complaints or problems and each agency, facility, or program that has failed to comply with the ombudsman's recommendations. The statistics shall be reported to the director of the division of mental health and addiction.

As added by P.L.40-1994, SEC.62. Amended by P.L.215-2001, SEC.77.